

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bremer et al.

Serial No.: **10/689,425**

Filed: **October 20, 2003**

Confirmation No.: **2794**

Group Art Unit: **2611**

Examiner: **Tse, Young Toi**

Docket No.: **061606-1671**

For: **PERFORMANCE CUSTOMIZATION SYSTEM AND PROCESS FOR OPTIMIZING
xDSL PERFORMANCE**

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
Mail Stop Appeal Brief
P.O. Box 1450
Alexandria, Virginia 22313-1450

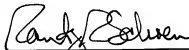
Sir:

The Notice of Non-Compliant Appeal Brief dated January 7, 2009 has been received and carefully reviewed. In response, Applicant submits an Amended Appeal Brief with the corrections being made to status of the claims as requested by the Examiner.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



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